

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA JESSE CANTU,

Plaintiff,

v.

P. WARD, ET. AL.,

Defendants.

Case No. 1:20-cv-00386-NONE-HBK

CASE MANAGEMENT SCHEDULING ORDER

Deadline for Exhaustion-Based Motion: **02/23/22**

Deadline to Amend Pleadings: **05/23/22**

Deadline to Complete Discovery: **08/23/22**

Deadline for Dispositive Motion(s): **10/24/22**

Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-37, the Court enters this Case Management and Scheduling Order (“CMSO”) to govern deadlines and discovery procedures.

I. Written Discovery:

Discovery requests shall be served by the parties in compliance with Federal Rule of Civil Procedure 5 and Eastern District of California Local Rule 135. Discovery requests and responses shall not be filed with the Court unless required by Eastern District California Local Rules 250.2, 250.3 and 250.4.

As described under Federal Rule of Civil Procedure 33, the parties are **limited to 25 interrogatories**;

As described under Federal Rule of Civil Procedure 36, the parties are **limited to 25 requests for admission**;

As described under Federal Rule of Civil Procedure 34, the parties are **limited to 25**

1 **requests to produce.**

2 Responses to documents shall include all documents within a party's possession, custody,
3 or control. Fed. R. Civ. P. 34(a)(1). Documents are deemed within a party's possession, custody,
4 or control if the party has actual possession, custody, or control thereof, or the legal right to
5 obtain the property on demand. *Allen v. Woodford*, 2007 WL 309945, at *2 (E.D. Cal. 2007).

6 Responses to written discovery requests shall be due within forty-five (45) days after the
7 request is first served. Similarly, responses and production of documents are due within forty-
8 five of the requests being served. Boilerplate objections are disfavored and may be summarily
9 overruled by the Court. All discovery must be completed by the above-referenced discovery cut-
10 off date.

11 **Any motions to compel must be filed no later than twenty-one (21) days of the**
12 **discovery cut-off date. Failure to timely file a motion to compel will result in a waiver of**
13 **any objections.**

14 **II. Depositions**

15 Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), Defendants may depose Plaintiff
16 and any other witness confined in a prison upon condition that, at least fourteen (14) days before
17 such a deposition, Defendants serve all parties with the notice required by Rule 30(b)(1).

18 Pursuant to Federal Rule of Civil Procedure 30(b)(4), the parties may take any deposition under
19 this section by video conference without a further motion or order of the Court. Nothing herein
20 forecloses a party from bringing a motion for protective order pursuant to Federal Rule of Civil
21 Procedure 26(c)(1) if deemed necessary. Disagreement with any directive of security staff at the
22 institution or prison at which the deposition is scheduled is not a basis for the Plaintiff to refuse to
23 answer questions, and the failure of Plaintiff to attend, be sworn, or answer appropriate questions
24 may result in sanctions, including terminating the action as provided in Fed. R. Civ. P. 37.

25 **III. Case Management Deadlines**

26 The following deadlines shall govern this action:

27 A. The deadline for motions challenging exhaustion of administrative remedies is
28 February 23, 2022.

B. The deadline for amending the pleadings is May 23, 2022.¹

C. The deadline for completion of all discovery is August 23, 2022 with any motions to compel due within twenty-one (21) days of this discovery cut-off date.

D. The deadline for filing pre-trial dispositive motion is October 24, 2022.

E. In addition to complying with the applicable rules, a motion and incorporated memorandum and any responses in opposition shall not exceed twenty-five (25) pages in length, exclusive of exhibits. A reply shall not exceed seven (7) pages in length. A party must move and show good cause for exceeding these page limitations.

F. The Defendants shall lodge a Word version of any dispositive motion to hbkorders@caed.uscourts.gov. The Defendants **shall** likewise mail or deliver courtesy hard copies of all dispositive motions with all exhibits to P.O. Box 575 Yosemite, California 95389. The mailed courtesy copy **shall** reflect the CM/ECF document number and pagination.

IV. Extensions of Time

Any requests for an extension to any deadline set in this Discovery and Scheduling Order must be filed at least two weeks prior to its expiration. The deadlines set forth above are firm and will only be extended upon a showing of good cause. Eleventh hours motions, *i.e.*, motions filed on the eve of the deadline expiration, to extend a deadline will only be granted upon a showing of extraordinary circumstances.

The parties are required to act in good faith during the course of discovery and should first attempt to meet and confer to resolve any discovery dispute and the failure to do so may result in the imposition of sanctions, if appropriate.

Dated: November 23, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE

¹ This date does not permit any party to unilaterally file an amended pleading. Any amendments to the pleadings must comply with all applicable Federal Rules of Civil Procedure (*i.e.*, Rule 15) and Local Rules (*i.e.*, Local Rule 220).